

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 15 2018** ★

LONG ISLAND OFFICE

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UNITED STATES OF AMERICA, *ex rel.* VICTOR E.
SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, NEW JERSEY *ex rel.* VICTOR
E. SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, NEW YORK, *ex rel.* VICTOR
E. SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, NEW YORK CITY *ex rel.*
VICTOR E. SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, and VICTOR E. SCHALLER,
JR. AND JOSEPH FAIELLA-TOMMASINO, PA, PH.D,
individually,

Plaintiffs,

vs.

**JOINT STIPULATION OF
DISMISSAL**

Civil Action No.
12-CV-5579

(Bianco, J)

PRIME DIAGNOSTIC IMAGING CORPORATION,
PRIME NEUROLOGICAL IMAGING
CORPORATION, PRIME DIAGNOSTIC SERVICES
INC., PRECISION DIAGNOSTIC IMAGING INC.,
PRECISION DIAGNOSTIC SERVICES INC.,
PRECISION NEUROLOGICAL IMAGING INC.,
NEURORAYS IMAGING P.C., NEURORAYS OF
NEW JERSEY PC, MARK J. LODESPOTO, M.D., P.C.,
PRIMARY DIAGNOSTIC IMAGING CORP I,
PRIMARY NEUROLOGICAL IMAGING INC. I,
GLOBAL IMAGING SOLUTIONS LLC, GLOBAL
MANAGEMENT, LLC, GLOBAL NEUROLOGICAL,
LLC, PRINCIPAL DIAGNOSTICS PROVISION
DIAGNOSTIC IMAGING LLC, STEPHANIE M.
MOSS, MICHAEL V. MOSS, PETER W. HENAGHAN,
MARK J. LODESPOTO, MD, NEAL M. LISAN MD,
DAVE SANDOVAL, STEPHEN SISSELMAN, D.O.,
MICHAEL BENHURI, M.D., LUCKY CARE
MEDICAL, PC, MADISON AVENUE OBGYN,
HASSAN HITO, M.D., SUFFOLK FIRST MEDICAL
PC, B&R REALTY, JAY STAMBLER, M.D.,
LAWRENCE NORTHERN, M.D., MICHAEL
LADINSKY, M.D., STANLEY E. BLYSKAL, M.D.,
ROBERT F. RUGGIERO, M.D., BASHIR AHMED,
M.D., NORTH BABYLON PRACTICE
MANAGEMENT, E&M PROFESSIONAL SERVICES,
INC., DR. JEFFREY NAKHJAVAN, BARBARA
MANDELL, M.D., LLC, PERSUAD MEDICAL, DR.

ANNA LERNER ANGELES, M.D., PC, LUCELLE M. DELROSARIO, M.D., FINK FAMILY MEDICAL, PC, DR. ANDREW FAGELMAN, M.D., LOUIS D. SCHWARTZ, M.D., SOUTH SHORE MEDICAL CARE, PC, DR. VINCENT LEDDY, CL BILLING, VR LEDDY M.D., PC, RICHARD VALINOTTI, LONG ISLAND FAMILY MEDICAL GROUP, PC, ERIC M. JACKSON, M.D., CECILIA LEDDY MEDICAL BUILDING, P&C MANAGEMENT, PRIMARY MEDICAL CARE LLC, ANNA MARIE MIRSKI, M.D., THOMAS STACK, D.O., HALLAL PROPERTIES, LLC, DR. EDWARD HALLAL, AZIZ CHAUDRY, M.D., MK & JJ REALTY CORP., ADJ HOLDING CORP., CENTRAL ISLAND INTERNAL MEDICINE PLLC, PAUL TCHAO, M.D., DR. PATRICK BURNS, DAVID NEGRON, DPM, ANTHONY J. RIZZO, D.O., DR. MICHAEL BELFIORE, DR. ZEENAT HUSSAIN, DR. BRET OSTRAGRER, SHORE MEDICAL ASSOCIATES, PC, RAY RICK NICK REALTY, LLC, WEISSMAN & KROLL MEDICAL ASSOCIATES, SUFFOLK FIRST MEDICAL PC, SUKHDATA, LLC, MARK J. JAGUST M.D., DABFP SOUTH SHORE MEDICAL ASSOCIATES, PC, 291 EAST SUNRISE HIGHWAY ASSOCIATES, JOSEPH BALLARO M.D., PC, MARK WAXMAN, M.D., NORTHPORT FAMILY MEDICINE, PC, ANDREW HARARAH, D.O., ANTHONY RIZZO, D.O., ARVERNE CARE MANAGEMENT, DR. MARK ALLEN, SOUTH ISLAND MEDICAL, PORT JEFF MEDICAL CARE PC, PERRY A. FRANKEL, M.D., OLGA BELDER, D.O., VIKAS DESAI, D.O., AURENE ALCASABAS, M.D., ALAN W STUDLEY, M.D., ROBERTA A. BIANCO, D.O., DR. THOMAS HODYL, 55 SOUTHERN BLVD, LLC, PRIMARY MEDICAL CARE OF SUFFOLK COUNTY, PC, JORGE J. FIGUEROA, M.D., LEONID BASOVICH, D.O., PC, EDUARDO YAMBO, M.D., J2N REALTY, LLC, JIM BEST D.O., SARITA DORSCHUG, M.D., ANDREA J. FRANK, M.D., JAMES REILLY, D.O., MARK TREE ROAD REALTY, PORT JEFFERSON MEDICAL ASSOCIATES, PC, MID ISLAND INTERNAL MEDICINE, ANDREA NOMBERG M.D., SUGANTH RAVIDRAN, M.D., MARTHA D. PILCHMAN, M.D., 900 STRAIGHT PATH REALTY, LLC, AND DR. JOHN J. MARK AND JUDITH L. MARK, LLP,

Defendants.

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United States ex rel. Schaller et al. v. Prime Diagnostic Imaging Corp. et al., 12-CV-5579 (JFB)
Filed Under Seal

WHEREAS, on November 13, 2012, Victor E. Schaller, Jr. and Joseph Faiella-Tommasino, PA, Ph.D (the “Relators”) filed the above-referenced action, in which they asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729 *et seq.*;

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relators’ complaint was sealed for a period of at least sixty days from the date of service of Relators’ complaint and disclosure statement on the United States;

WHEREAS, on or about November 15, 2017, the United States filed their Notices of Partial Intervention in this action; and

WHEREAS, Relators and the United States entered into Settlement Agreements (collectively the “Settlement Agreements”) with defendants Drs. Anna Lerner Angeles, Marc Allen and Anthony Rizzo (collectively the “Physician Defendants”); and

WHEREAS, the Court so ordered the parties’ joint stipulation of dismissal of claims against the Physician Defendants; and

WHEREAS, Relators seeks to voluntarily dismiss all remaining claims against the remaining defendants in this action (“Remaining Claims”); and

WHEREAS, the United States consents to Relators’ dismissal of all Remaining Claims in this action; and;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for Relators, and the United States that:

1. Relators’ complaint, and any and all Remaining Claims in that complaint, are hereby dismissed without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

United States ex rel. Schaller et al. v. Prime Diagnostic Imaging Corp. et al., 12-CV-5579 (JFB)
Filed Under Seal

2. The United States does not object to all Remaining Claims in this action being dismissed without prejudice.

3. The docket shall reflect that all Remaining Claims in the complaint were dismissed without prejudice and Relator's complaint, the United States' Notice of Partial Intervention and this Joint Stipulation of Dismissal shall be unsealed, but all other documents on file in this case shall remain sealed. Any documents filed with the Court after the date of this Order shall not be filed under seal.

4. The Clerk of the Court shall provide the United States Attorney's Office, Eastern District of New York, 610 Federal Plaza, Central Islip, New York 11722, Attn: AUSA Robert W. Schumacher with a copy of this fully executed order

Dated: Central Islip, NY
February 14, 2018

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722

By: s/
ROBERT W. SCHUMACHER
Assistant U.S. Attorney
(631) 715-7871

United States ex rel. Schaller et al. v. Prime Diagnostic Imaging Corp. et al., 12-CV-5579 (JFB)
Filed Under Seal

Dated: Philadelphia, PA
February 14, 2018

OBERMAYER REBMANN MAXWELL & HIPPEL, LLP
Centre Square West, Suite 3400
1500 Market Street
Philadelphia, PA 19102

By: s/
WILLIAM J. LEONARD
Attorneys for Relators
(215) 665-3000

SO ORDERED:

Central Islip, New York
— Feb. 15 —, 2018

HONORABLE JOSEPH F. BIANCO
United States District Judge, E.D.N.Y.